

FILED
UNITED STATES DISTRICT COURT IN CLERKS OFFICE
DISTRICT OF MASSACHUSETTS

2005 MAR 14 P 4:19

DENISE McKEOWN, ROBERT LUTTS,

Plaintiffs

v.

ADVEST, INC., et al.,

Defendants

U.S. DISTRICT COURT
DISTRICT OF MASS.

Civil Action No: 05-CV-10176-RGS

**MOTION TO ENLARGE PAGE LIMIT FOR MEMORANDUM
IN SUPPORT OF DEFENDANT ADVEST, INC.'S MOTION
TO DISMISS THE COMPLAINT**

Pursuant to Local Rule 7.1(B)(4), defendant Advest, Inc. ("Adest") moves for leave to file a Memorandum in Support of Defendant Advest, Inc.'s Motion to Dismiss the Complaint in excess of the page limit. In support of this Motion, Advest states the following:

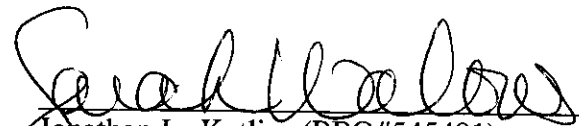
1. Plaintiffs' Complaint in this action is 36 pages long, contains 103 numbered paragraphs, and names 19 defendants. Plaintiffs purport to assert a total of seven distinct claims for violation of the federal and state securities laws and violations of state common law. The seven claims are based on numerous alleged misrepresentations and omissions in an Official Statement, explicitly referenced in the Complaint, which consists of more than 100 pages.
2. The claims alleged in the Complaint are deficient for multiple reasons. To appropriately address these pleading deficiencies, Advest respectfully requests that it be permitted to submit a memorandum in excess of the page limit, but no longer than 45 pages.

Advest believes that the additional pages of briefing will assist the Court in considering and deciding its Motion to Dismiss.

3. As noted in Advest's memorandum, the Complaint filed in this action is virtually identical to that filed in *T. Rowe Price Tax-Free High Yield Fund, Inc., et al. v. Sughrue, et al.*, Civil Action No. 04-11667 RGS, which is currently pending before this Court. Advest moved to dismiss that action and, because of the similarities between the two actions, the memorandum filed in this action is substantially similar to that filed in the *T. Rowe Price* action. Indeed, the only substantive difference between the two memoranda is that this memorandum does not address the Massachusetts Consumer Protection statute because the plaintiffs here do not bring a claim under that statute.

4. Counsel for plaintiffs has stated that he assents to this Motion.

ADVEST, INC.
By its attorneys,



Jonathan L. Kotlier (BBO#545491)

Sarah E. Walters (BBO#638378)

Nutter McClennen & Fish LLP

World Trade Center West

155 Seaport Boulevard

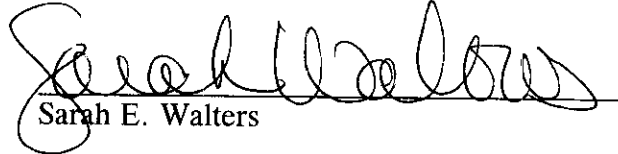
Boston, MA 02210

617-439-2000

March 14, 2005

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

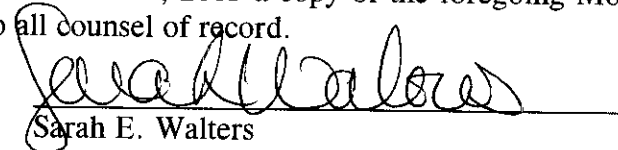
I, Sarah E. Walters, certify that on March 9, 2005 I conferred with William A. Sheridan, counsel to plaintiffs, to resolve the issues raised by this Motion, and stated that he assents to this Motion.


Sarah E. Walters

March 14, 2005

CERTIFICATE OF SERVICE

I, Sarah E. Walters, certify that on March 14, 2005 a copy of the foregoing Motion to Dismiss has been sent by hand delivery to all counsel of record.


Sarah E. Walters

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